

Serial No.: 09/769,982

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### **REMARKS**

#### ***Specification***

The specification has been objected to because of informalities relating to missing reference entries. The specification has been amended to provide the serial number and filing date of a co-owned application that were not included in the original application. Withdrawal of the objection is respectfully requested.

#### ***Claim Objection***

Claim 7 has been objected to for not identifying a particular version of the HPNA standard. Claim 7 has been amended to overcome this objection and withdrawal of the objection is requested. For additional discussion of the features of claim 7, attention is directed to page 5, lines 17-22 of the specification, among other locations.

#### ***Claim Rejections - 35 U.S.C. § 102***

Claims 1 and 8 have been rejected under 35 U.S.C. § 102(b) over U.S. Patent No. 5,784,573 to Szczepanek. Independent claims 1 and 8 have been amended to more clearly recite that which the Applicants regard as the invention.

The subject matter of Independent claims 1 and 8 addresses the issue of providing a single networking interface device that can be used by differently configured system hosts (e.g., general purpose computers) to establish connectivity to a network medium. Specifically, the interface device has a PCI interface and an MII that can be used to respectively establish network connectivity for a system host that has a PCI based system bus interface or a MAC based system bus interface. A PCI control block manages certain aspects of network data packet traffic exchange regardless of the system host configuration. However, to provide a desired level of transparency, the claimed MII attachment reformats MAC based management data packets between the MII and the PCI control block.

Szczepanek does not teach or suggest such an interface device. Rather, Szczepanek discloses a LAN controller that connects one type of system bus, namely

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PCI (see col. 4, lines 16-18), to plural network topologies, namely VG through a VG PHY 16, Fast Ethernet through a Fast Ethernet PHY 18 and 10 Base T through a 10 Base T Ethernet PHY 20. These PHYs apparently have MII system bus interfaces. In this regard, the Szczepanek multi-PHY LAN controller 10 and internal components 46-58 merely serve as an adapter to allow connection of MII based PHYs to a PCI bus of a system host. However, the Szczepanek controller does not allow network connectivity for host systems of plural configurations. That is, only one type of host system interface is provided (i.e., the PCI interface 12).

For at least these reasons, independent claim 1, claims 2-3 that depend from claim 1 and independent claim 8 are considered to define patentable subject matter. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b) is requested.

*Claim Rejections - 35 U.S.C. § 103*

Claim 2 has been rejected under 35 U.S.C. § 103(a) over Szczepanek in view of U.S. Patent No. 6,564,280 to Walsh. Claim 3 has been rejected under 35 U.S.C. § 103(a) over Szczepanek in view of Walsh and further in view of U.S. Patent No. 5,671,445 to Gluyas. Claims 2-3 depend from claim 1 and are considered to be allowable for at the reasons set forth above. In addition, Walsh, Gluyas and their combination do not cure the deficiencies of Szczepanek as a teaching reference. Furthermore, Walsh only qualifies as a reference under 35 U.S.C. § 102(e), was developed by another person and was, at the time of the invention, owned by the same entity or subject to an obligation of assignment to the same entity as the claimed invention. Therefore, in accordance with 35 U.S.C. § 103(c), inclusion of Walsh in a combination of references to establish a rejection under 35 U.S.C. § 103(a) is inappropriate. Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103(a) is requested.

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*Allowable Subject Matter*

The Examiner has indicated that claims 4-5 and 9-13 would be allowable if rewritten in independent form including all of the features of the base claim and any intervening claims. Claims 4-5 and 9 have been rewritten in this manner. Claim 7 depends from claim 5. Claims 10-12 depend from claim 9. Therefore, allowance of at least claims 4-5 and 9-12 is requested.

Enclosed is a fee transmittal form authorizing charge of the fee for independent claims in excess of three to the deposit account identified below.

*Conclusion*

In light of the foregoing, it is respectfully submitted that the present application is in condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 18-0988, our Order No. E0882.

Respectfully submitted,

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